

REMARKS

Claim 10 has been amended to make its preamble consistent with the preamble of claim 7, the claim upon which claim 10 depends.

Entry of the above amendment is respectfully requested.

Obviousness Rejections

On page 2 of the Office Action, claims 7-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fukushima et al (US 5,969,867). Further, on page 4 of the Office Action, claims 18-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fukushima et al (US 5,969,867).

With respect to the arguments presented in the Amendment filed October 22, 2008, the Examiner provides various comments at pages 5-6 of the Office Action, including that the Declaration under 37 CFR 1.132 is insufficient to prove unexpected results. Although the Examiner acknowledges that BAPS is a reasonable representative compound of the instant formula (1), the MPSMA compound used to represent the compound of the closest prior art is insufficient and not commensurate with the scope of the prior art. The Examiner indicates that MPSMA is used to as reference component A in the examples of Fukushima et al, not B-1, the component used in the previous and current rejections to with respect to instant formula 1. Instead, the Examiner indicates that the closest specific structure listed for reference B-1 is bis(4-(meth)acryloyloxydiethoxyphenyl)sulfide (6:46-47). The Examiner indicates that the experiments presented in the declaration, wherein MPSMA is replaced with bis(4-(meth)acryloyloxydiethoxyphenyl) sulfide, would be appropriate to demonstrate unexpected results.

In response, Applicants submit that they only need to compare the claimed invention to the closest specific Example in the prior art (or a closer embodiment), and Applicants submit that the Declaration presented comparative embodiments closer to the present invention than the closest specific Example in Fukushima, so the Declaration evidence should be sufficient.

In this regard, Applicants note that the compounds within component (B-1) in the Fukushima Examples (i.e., BPA-2 and BPM-5) do not even contain a sulfur atom, so Applicants submit that MPSMA, which does contain a sulfur atom, was the appropriate compound to use in the comparative examples in the Declaration.

Moreover, Applicants note that in the comparative examples in the Declaration, o-PPA (a compound within the scope of the present invention) was used, so the comparative examples in the Declaration were closer to the present invention than the closest specific Example in Fukushima.

Accordingly, Applicants submit that the comparative examples in the Declaration provided an appropriate comparison with the present invention, and that the Declaration shows the unexpected superiority of the present invention as a result.

Thus, Applicants submit that the present invention is not obvious from Fukushima, and withdrawal of these rejections is respectfully requested.

Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

AMENDMENT UNDER 37 C.F.R. § 1.111
Application No.: 10/589,660

Attorney Docket No.: Q96171

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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23373

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Date: April 6, 2009